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Prevention of armed conflict

Albania, Andorra, Austria, Bahrain, Belgium, Botswana, Bulgaria, Canada, Costa Rica, Czechia, Denmark, Djibouti, Estonia, Finland, Georgia, Germany, Iceland, Ireland, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Maldives, Montenegro, Netherlands, Palau, Poland, Qatar, Saudi Arabia, Slovenia, Somalia, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates and Yemen: draft resolution

International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming its commitment to the sovereignty of the Syrian Arab Republic,

Recalling the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Human Rights Council resolution S-17/1 of 23 August 2011,[1] that established the Independent International Commission of Inquiry on the Syrian Arab Republic,

Welcoming the ongoing work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and recalling its reports and the recommendations contained therein,[2]

Expressing its appreciation for the work carried out by the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, and recalling its reports and the conclusions contained therein,[3]

[1] *Official Records of the General Assembly, Supplement No. 53* (A/66/53), chap. VII.
[2] See http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.
[3] S/2016/888, S/2016/738/Rev.1, S/2016/530 and S/2016/142, annex.

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Recognizing the work of Syrian and international civil society actors in documenting violations of international humanitarian law and violations and abuses of human rights law in the Syrian Arab Republic during the conflict,

Noting with concern the impunity for serious violations of international humanitarian law and violations and abuses of human rights law committed during the conflict in the Syrian Arab Republic, which has provided a fertile ground for further violations and abuses,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Noting the repeated encouragement by the Secretary-General and the High Commissioner for Human Rights for the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court,

1. *Emphasizes* the need to ensure accountability for crimes involving violations of international law, in particular of international humanitarian law and international human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011 through appropriate, fair and independent investigations and prosecutions at the domestic or international level, and stresses the need to pursue practical steps towards this goal to ensure justice for all victims and to contribute to the prevention of future violations;

2. *Stresses* the need for any political process aimed at resolving the crisis in the Syrian Arab Republic to ensure credible and comprehensive accountability for violations of international humanitarian law and human rights violations and abuses committed in the country in order to bring about reconciliation and sustainable peace;

3. *Welcomes* the efforts by States to investigate and prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, in accordance with their national legislation and international law, and encourages other States to consider doing the same and to share relevant information to that end with other States;

4. *Decides* to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 under the auspices of the United Nations to closely cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law;

5. *Requests* the Secretary-General, in this regard, to develop, within 20 working days of the adoption of the present resolution, the terms of reference of the International, Impartial and Independent Mechanism, with the support of the Office

of the United Nations High Commissioner for Human Rights, and also requests that the Secretary-General undertake, without delay, the steps, measures and arrangements necessary for the speedy establishment and full functioning of the International, Impartial and Independent Mechanism, initially funded by voluntary contributions, in coordination with the Independent International Commission of Inquiry on the Syrian Arab Republic and building on existing capacities, including recruiting or allocating impartial and experienced staff with relevant skills and expertise in accordance with the terms of reference;

6. *Calls upon* all States, all parties to the conflict as well as civil society to cooperate fully with the International, Impartial and Independent Mechanism and the Independent International Commission of Inquiry on the Syrian Arab Republic to effectively fulfil their respective mandates and, in particular, to provide them with any information and documentation they may possess, as well as any other forms of assistance pertaining to their respective mandates;

7. *Requests* the United Nations system as a whole to fully cooperate with the International, Impartial and Independent Mechanism and to promptly respond to any request, including access to all information and documentation, and decides that the Mechanism shall closely cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic in all aspects of its work;

8. *Requests* the Secretary-General to report on the implementation of the present resolution within 45 days of its adoption, and decides to revisit the question of funding of the International, Impartial and Independent Mechanism as soon as possible.